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## Letter dated 15 October 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the Arab Group for the month of October 2008 and on behalf of the members of the League of Arab States, I have the honour to attach herewith a copy of the resolution adopted by the Special Session of the Council of Arab Ministers of Justice, held in Cairo on 12 October 2008, regarding the application of the Prosecutor of the International Criminal Court to issue a warrant of arrest against Mr. Omer Hassan Ahmed Al-Bashir, President of the Republic of the Sudan (see annex).

I should be grateful if you could arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative of Lebanon to the United Nations
Chairman of the Arab Group

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## Annex to the letter dated 15 October 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council

[Original: Arabic]

## Resolution concerning the application by the Prosecutor of the International Criminal Court for a warrant of arrest against President Omer Hassan Ahmed Al-Bashir of the Republic of the Sudan

*The Council of Ministers of Justice of the League of Arab States*,

*Having considered* the note by the Secretariat of the League of Arab States,

*Having heard* the presentation by the Minister of Justice of the Republic of the Sudan concerning the ongoing efforts to promote stability and peace in Darfur, including steps to guarantee fair trials for persons accused of committing crimes in Darfur,

*Affirming* the previous resolutions of the League Council on the promotion of peace, unity and development in the Sudan, in particular resolution 6921 of the Council at the ministerial level, adopted at its extraordinary session of 19 July 2008, concerning the application by the Prosecutor of the International Criminal Court for a warrant of arrest against the President of the Republic of the Sudan; the need to prioritize peace, stability and justice in Darfur; respect for the sovereignty and territorial integrity of the Sudan, as well as support for the efforts to achieve peace and national reconciliation among its citizens; and the provision of articles 1 and 17 of the Rome Statute of the International Criminal Court concerning the principle of complementarity, and of article 4, paragraph 2, which prescribes that "The Court may exercise its functions and powers, as provided in this Statute, on the territory of any State Party and, by special agreement, on the territory of any other State", an agreement to which the Sudan is not party,

*Taking note* of the communiqués and resolutions issued by various international and regional organizations, in particular the African Union, the Organization of the Islamic Conference and the Movement of Non-Aligned States, concerning the danger posed by such measures to the security and stability of the Sudan and the region, in addition to the resolution adopted at the most recent summit meeting of the African Union in Sharm el-Sheikh concerning abuse of the so-called principle of universal jurisdiction,

*Decides*

1. To stand in solidarity with the Republic of the Sudan against any attempt to prejudice its sovereignty, unity and stability or at undermining international legal principles relating to the immunity of the President of the Republic of the Sudan, a matter which should be considered in accordance with national legislation;

2. To affirm the independence and impartiality of the Sudanese judiciary, as well as its desire and ability to conduct fair and effective trials, given that it holds original jurisdiction in this sphere;

3. To affirm its view that the application by the Prosecutor of the International Criminal Court for a warrant of arrest against the President of the Republic of the Sudan has no sound legal basis to justify it;

4. To reject any attempt to politicize the principles of international justice and to further reject double standards in the application of legal principles derived from conventions and international law;

5. To express concern and dissatisfaction with media treatment concerning the application by the Prosecutor for a warrant of arrest against the President of the Republic of the Sudan that is such as to have an adverse effect on the justice process;

6. To take note of the legal, legislative and judicial measures adopted by the Sudan since events first began in Darfur, including:

(a) The establishment of three special tribunals for the purpose of examining cases relating to violations in Darfur and issuing judgements in that regard;

(b) To appoint a prosecutor competent to investigate such crimes and prosecute their perpetrators;

(c) To draft amendments to the Sudanese Penal Code and Code of Criminal Procedure, using as guidance the Arab model law on crimes within the jurisdiction of the International Criminal Court, adopted by the Council of Arab Ministers of Justice by its resolution 598 (21st session) of 29 November 2005, and to welcome these measures as part of the package for a solution agreed between the League of Arab States and the Republic of the Sudan;

7. To welcome the initiative of the League of Arab States and the African Union and the cooperation between them;

8. To support the committee of legal experts formed by the League of Arab States and the African Union to monitor action taken by the International Criminal Court;

9. To support the efforts of the Secretary-General to coordinate the positions of the League of Arab States and the African Union with those of regional and international organizations and make the necessary contacts with States Members of the Security Council with a view to halting action by the International Criminal Court and calling upon it to pursue efforts to strengthen national reconciliation, restore social peace and achieve justice in Darfur and deal with any repercussions having a negative impact on stability in the Sudan or on the political process and peacekeeping efforts in Darfur;

10. To task the Technical Secretariat of the Council of Arab Ministers of Justice with the circulation of this resolution to the Arab community in New York, as well as to international and regional organizations, and to task the Chairman of the Group of Arab States in New York with its circulation as a United Nations and Security Council document;

11. To remain in permanent session in order to monitor developments in the situation.

(Resolution 1 (2nd extraordinary session) — 12 October 2008)